

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

ANGEL MARTINEZ

*On his own behalf and on behalf of all others
similarly situated*

PLAINTIFFS

V.

NO. 3:16CV00032-MPM-JMV

TRI-STATE ENTERPRISES, LLC, ET AL.

DEFENDANTS

ORDER ON MOTIONS

Before the Court are Plaintiff's Second Motion for Contempt [43] and Plaintiff's Motion to Compel [47]. The Court conducted a hearing on the motions today; and, consistent with the Court's announcement from the bench, the Court rules as follows:

Motion for Contempt

The Court finds: 1) sanctions against the defendants, jointly and severally, in the form of reasonable attorneys fees and expenses incurred in drafting and presenting both the original motion for contempt [33] and the instant motion for contempt [43] are appropriate for the reasons articulated on the record, including defendants' concession to the motion; 2) the executed IRS form 4506 will be produced to Plaintiff's counsel no later than 5pm on 3/14/17; and 3) a corrected list of employees for the relevant period will be provided to Plaintiff's counsel no later than 5 p.m. tomorrow. Plaintiff's counsel shall file an itemization of expenses and fees and a supporting affidavit no later than 7 days from today's date. Defense counsel shall have 7 days thereafter to file any objections to the reasonableness of the fees and expenses, and Plaintiff's counsel shall have 3 days to reply. The defendants have been sternly admonished that continued refusal to obey the

Court's orders will result, where appropriate, in greater sanctions.

Motion to Compel

The Court orders that the defendants will have 10 days from today's date to amend their answer to Interrogatory No. 10 (such amendment to be sworn to as is required under the *Federal Rules of Civil Procedure*) and to amend their responses to Requests for Production 1, 14, 22 and 23—so as to formally and accurately answer the same. Sanctions in the form of reasonable attorneys fees and expenses incurred in preparing the motion to compel are awarded against the defendants jointly and severally. Plaintiff's counsel shall file an itemized statement of expenses and fees and supporting affidavit no later than 7 days from today's date; defense counsel shall have 7 days to file any objections to the reasonableness thereof; and Plaintiff's counsel will have 3 days to reply.

Counsel for defendants is directed to promptly provide each defendant with a copy of this order and file a certificate of service of the same within 7 days of this date.

SO ORDERED this 13th day of March, 2017.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE